

Assembly Bill No. 620

CHAPTER 458

An act to amend Sections 6407, 17929, 22355, 22452, 22454, and 22457 of the Business and Professions Code, relating to county clerks.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 620, John A. Perez. County clerks: recordkeeping: registrations.

Existing law defines and regulates the activities of legal document assistants and unlawful detainer assistants, process servers, and professional photocopiers. Existing law requires those professionals to register in the county in which his or her principal place of business is located. Existing law requires the county clerk of each county to maintain a register of, and assign a unique number to, those persons, and to issue an identification card to each registrant. Existing law requires the identification cards to contain a photograph and to meet varying minimum size requirements, as specified.

This bill would change the minimum size requirements of the cards to 3¼ by 2 inches, and would delete a provision that requires the issuance of additional cards to employees of legal document assistants and unlawful detainer assistants, as specified. The bill would also specify that cards issued to partnerships or corporations be issued in the name of the partnership or corporation, and that no photograph be included. The bill would also require the inclusion of the name of the partnership or corporation on the card of an employee of a photocopier.

Existing law requires a person filing for a fictitious business name to submit specified fees to the county clerk for the filing of the fictitious business name statement. Existing law requires the fees to be used in a specified manner, including to cover the costs of the county clerk in notifying registrants of the pending expiration of their fictitious business name statement.

This bill would specify that a county clerk is not required to retain any returned notice of pending expiration that is returned as undeliverable by the United States Postal Service.

Existing law requires the application for registration of professional photocopiers to include specified statements.

This bill would require that application to be certified to be true. The bill would provide that a person or entity that knowingly provides false information is subject to specified civil penalties.

Existing law requires that at least one person involved in the management of a professional photocopier be a licensed notary public.

This bill would require written confirmation from a nonregistrant notary public to authorize the use of his or her commission for registration.

The people of the State of California do enact as follows:

SECTION 1. Section 6407 of the Business and Professions Code is amended to read:

6407. (a) The county clerk shall maintain a register of legal document assistants, and a register of unlawful detainer assistants, assign a unique number to each legal document assistant, or unlawful detainer assistant, and issue an identification card to each one. Upon renewal of registration, the same number shall be assigned, provided there is no lapse in the period of registration.

(b) The identification card shall be a card not less than 3 ¼ by 2 inches, and shall contain at the top, the title “Legal Document Assistant” or “Unlawful Detainer Assistant,” as appropriate, followed by the registrant’s name, address, registration number, date of expiration, and county of registration. It shall also contain a photograph of the registrant in the lower left corner. The identification card for a partnership or corporation registration shall be issued in the name of the partnership or corporation, and shall not contain a photograph. The front of the card, above the title, shall also contain the following statement in 12-point boldface type: “This person is not a lawyer.” The front of the card, at the bottom, shall also contain the following statement in 12-point boldface type: “The county clerk has not evaluated this person’s knowledge, experience, or services.”

SEC. 2. Section 17929 of the Business and Professions Code is amended to read:

17929. (a) The fee for filing a fictitious business name statement is ten dollars (\$10) for the first fictitious business name and owner and two dollars (\$2) for each additional fictitious business name or owner filed on the same statement and doing business at the same location. This fee covers the cost of filing and indexing the statement (and any affidavit of publication), the cost of furnishing one certified copy of the statement to the person filing the statement, and the cost for notifying registrants of the pending expiration of their fictitious business name statement.

(b) The fee for filing a statement of abandonment of use of a fictitious business name is five dollars (\$5). This fee covers the cost of filing and indexing the statement, the cost of any affidavit of publication, and the cost of furnishing one certified copy of the statement to the person filing the statement.

(c) The fee for filing a statement of withdrawal from partnership operating under a fictitious business name is five dollars (\$5). This fee covers the cost of filing and indexing the statement, the cost of any affidavit of publication, and the cost of furnishing one certified copy of the statement to the person filing the statement.

(d) All of the provisions of this section are subject to Section 54985 of the Government Code.

(e) If the notice of pending expiration, as described in subdivision (a), is returned to the county clerk by the United States Postal Service as undeliverable, the county clerk is not required to retain the returned notice of pending expiration.

SEC. 3. Section 22355 of the Business and Professions Code is amended to read:

22355. (a) The county clerk shall maintain a register of process servers and assign a number and issue an identification card to each process server. The county clerk shall issue a temporary identification card, for no additional fee, to applicants who are required to submit Request for Live Scan forms for background checks to the Federal Bureau of Investigation and the Department of Justice. This card shall be valid for 120 days. If clearance is received from the Federal Bureau of Investigation and the Department of Justice within 120 days, the county clerk shall immediately issue a permanent identification card to the applicant. Upon request of the applicant, the permanent identification card shall be mailed to the applicant at his or her address of record. Upon renewal of a certificate of registration, the same number shall be assigned, provided there is no lapse in the period of registration.

(b) The temporary and permanent identification cards shall be not less than 3 ¼ inches by 2 inches and shall contain at the top the title, "Registered Process Server," followed by the registrant's name, address, registration number, date of expiration, and county of registration. In the case of a natural person, it shall also contain a photograph of the registrant in the lower left corner. The identification card for a partnership or corporation registration shall be issued in the name of the partnership or corporation, and shall not contain a photograph.

SEC. 4. Section 22452 of the Business and Professions Code is amended to read:

22452. (a) The application for registration of a natural person shall contain all of the following statements about the applicant certified to be true:

- (1) Name, age, address, and telephone number.
- (2) He or she has not been convicted of a felony.
- (3) He or she will perform his or her duties as a professional photocopier in compliance with the provisions of law governing the transmittal of confidential documentary information in this state.

(b) The application for registration of a partnership or corporation shall contain all of the following statements about each general partner or corporate officer, and be certified to be true:

- (1) The names, ages, addresses, and telephone numbers of the general partners or officers.
- (2) The general partners or officers have not been convicted of a felony.

(3) The partnership or corporation will perform its duties as a professional photocopier in compliance with the provisions of law governing the transmittal of confidential documentary information in this state.

(c) The county clerk shall retain the application for registration for a period of three years following the expiration date of the application, after which time the application may be destroyed if it is scanned or if the conditions specified in Section 26205.1 of the Government Code are met. If the application is scanned, the scanned image shall be retained for a period of 10 years, after which time that image may be destroyed and, notwithstanding Section 26205.1 of the Government Code, no reproduction thereof need be made or preserved.

(d) A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation in the minimum amount of two thousand five hundred dollars (\$2,500) and the maximum amount of twenty-five thousand dollars (\$25,000). An action for a civil penalty under this provision may be brought by any public prosecutor in the name of the people of the State of California and the penalty imposed shall be enforceable as a civil judgment.

SEC. 5. Section 22454 of the Business and Professions Code is amended to read:

22454. At least one person involved in the management of a professional photocopier shall be required to hold a current commission from the Secretary of State as a notary public in this state. If the notary commission is held by someone other than the registrant, written confirmation from the notary authorizing the use of their commission for this registration is required.

SEC. 6. Section 22457 of the Business and Professions Code is amended to read:

22457. (a) The county clerk shall maintain a register of professional photocopiers, assign a number to each professional photocopier, and issue an identification card to each one. Additional cards for employees of professional photocopiers shall be issued upon the payment of ten dollars (\$10) for each card. Upon renewal of registration, the same number shall be assigned, provided there is no lapse in the period of registration.

(b) The identification card shall be a card not less than 3 ¼ inches by 2 inches, and shall contain at the top the title, "Professional Photocopier" followed by the registrant's name, address, registration number, date of expiration, and county of registration. It shall also contain a photograph of the registrant in the lower left corner. The identification card for a partnership or corporation registration shall be issued in the name of the partnership or corporation, and shall not contain a photograph.

(c) The identification card for an employee of a partnership or corporation shall be issued in the name of the employee and include "Employee of: [insert name of the partnership or corporation]."